



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – FEBRUARY 21, 2006

SUMMARY MINUTES¹

FEBRUARY 21, 2006

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members present:

William Elkins, President
Sean Harrigan, Vice President
Anne Sheehan, Member
Patricia Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura

- A.** The board auditorium is undergoing a minor refurbishing. New carpeting has been installed. The dias has been stained. In the next phase, the audio equipment will be moved to a new storage area in the wall (rather than the Secretariat's desk) to permit greater flexibility on the use of space before the dias.
- B.** Rosario Marin, the new Secretary of the State and Consumer Services Agency, paid a visit to the SPB building and met with staff on February 16, 2005.
- C.** The executive staff is now in the process of realigning its staffing to reflect its funding base of 20% general fund and 80% reimbursable. Essentially, it will require changing the funding base for about 15 of the Board's 125 positions. To date, about one-third of the positions have been changed. The remainder will be changed over the next month or two.
- D.** At the March 8 meeting, staff will share with the Board results of an employee survey conducted by FranklinCovy and will also brief the Board on a new Internship Program, which the SPB is sponsoring in CalEPA.

¹ The Minutes for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

Litigation:

CASE v. Department of Industrial Relations -- Court denied petition for writ of mandate filed by CASE to compel DIR to release names of candidates on an eligibility list.

Other:

Mary Cote starts work as an SPB Administrative Law Judge today, February 21. She comes to us after having served as a hearing officer for special education appeals for 16 years.

The SPB's other hire for an administrative law judge position is Gregory Brown who will start March 6. He is currently a Senior Staff Counsel at the Department of Health Services.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Hicks

- AB 2241 (PERS COMMITTEE BILL), Sponsored by the State Personnel Board regarding skills based certification has been introduced. No hearing set.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF
MARCH 7 - 8, 2006, IN SACRAMENTO, CALIFORNIA**

NONE

BOARD ACTIONS:

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
JANUARY 24, 2006**

ACTION: ADOPTED

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

13. EVIDENTIARY CASES - (See Case Listings on Page 8-14)

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes Page 19-20)**

ACTION: ADOPTED

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

15. NON-EVIDENTIARY CASES - (See Case Listings on Page 14-17)

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It was anticipated that the Board would act on these proposals without a hearing.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR
DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH,
REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE
CRITERIA, ETC.**

NONE PRESENTED

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS
FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE
CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO
OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE
PERSONNEL BOARD** propose to abolish the following classifications
which have been vacant for more than two years and have been
designated Footnote 24, which specifies that a classification will be
abolished when it becomes vacant.

NONE PRESENTED

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE PRESENTED

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes served to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF, ADMINISTRATION OFFICE OF HOMELAND SECURITY

The Office of Homeland Security proposes to allocate the above position to the CEA category. The Chief, Administration Office of Homeland Security will develop policy for coordinating and directing several specific administrative programs, for OHS, including, but not limited to, purchasing, telecommunications, information technology, secure communications, internal equipment and supplies, inventory control, personnel and other administrative functions.

CHIEF, OFFICE OF ENFORCEMENT

The State Water Resources Control Board proposes to re-allocate their existing CEA allocation titled Chief, Office of Compliance Assurance and Enforcement to the above-mentioned position. The Chief, Office of Enforcement will serve as chief prosecutor of enforcement actions and will be the principal advisor to the State Board Members and Executive Director on enforcement issues.

ASSISTANT GENERAL MANAGER, ADMINISTRATIVE SERVICES DIVISION

The Prison Industry Authority proposes to allocate the above position to the CEA category. The Chief, Administrative Services Division functions as a key policy advisor to the Chief, Assistant General Manager and the General Manager on all financial and administrative matters and their related program impact.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

HEADQUARTERS OPERATION MANAGER, SALES AND USE TAX DEPARTMENT

The Board of Equalization's proposal to allocate the above position to the CEA category has been approved effective January 31, 2006.

DEPUTY CHIEF, BUREAU OF AUTOMOTIVE REPAIR

The Department of Consumer Affairs has withdrawn their proposal to allocate the above position to the CEA category effective January 30, 2006.

DIRECTOR, OFFICE OF PUBLIC AFFAIRS

The Department of Food and Agriculture has withdrawn their proposal to allocate the above position to the CEA category effective January 30, 2006.

**DEPUTY DIRECTOR, LEGAL AND OTHER PUBLIC OFFICES
DIVISION**

The Legislative Counsel Bureau's proposal to allocate the above position to the CEA category has been disapproved effective January 25, 2006.

DEPUTY DIRECTOR, MEMBER OFFICES DIVISION

The Legislative Counsel Bureau's proposal to re-allocate their existing CEA allocation titled Deputy Director, Customer Services Division to the above position has been approved effective January 25, 2006.

SPECIAL ASSISTANT, FINANCIAL SURVEILLANCE BRANCH

The Department of Insurance's proposal to allocate the above position to the CEA category has been disapproved effective January 24, 2006.

DEPUTY DIRECTOR, COMMUNICATIONS AND PLANNING

The Department of Managed Health Care has withdrawn their proposal to allocate the above position to the CEA effective January 23, 2006.

ACTON: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE PRESENTED

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE PRESENTED

22. BOARD ACTIONS ON SUBMITTED ITEMS – (See Minutes - Page 18)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on these minutes under Evidentiary Cases.

A D J O U R N M E N T

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

NONE PRESENTED

B. CASES PENDING

ORAL ARGUMENTS

These cases would have been on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE PRESENTED

C. CHIEF COUNSEL RESOLUTIONS

Please note: The following resolutions were acted upon by the Board at its February 7, 2006, meeting, but were inadvertently listed in the Agenda for February 21, 2006.

On February 7, 2006 the Board took the following action on the cases listed below, as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan, Clarey - Aye

(1) **DAVID CLARK, CASE NO. 02-1124**

Appeal from dismissal

Classification: Physician and Surgeon, CF

Department: Department of Corrections and Rehabilitation

ACTION: The Board issued a resolution vacating its prior decision of December 16, 2005, approving a stipulation for settlement between the parties, and restoring the case to the Board's hearing calendar.

- (2) **AMANDA PEREZ, CASE NO. 04-1240**
Appeal from suspension
Classification: Medical Technical Assistant, CF
Department: Department of Corrections and Rehabilitation
ACTION: The Board issued a resolution granting, in part, appellant's request for an Order to Show Cause against the Department to appoint appellant to a full-time, permanent Medical Technical Assistant position at Sierra Conservation Center.
- (3) **LINDA SAUCEDO, CASE NO. 02-2233**
Appeal from reduction in salary
Classification: Program Technician II
Department: Department of Consumer Affairs
ACTION: The Board issued a resolution denying appellant's request for an Order to Show Cause against the Department of Consumer Affairs.

COURT REMANDS

These cases have been remanded to the Board by the court for further Board action.

Please note: Cases (1) – (3) were acted upon by the Board at its February 7, 2006, meeting, but were inadvertently listed in the Agenda for February 21, 2006.

On February 7, 2006 the Board took the following actions on cases (1) – (3), listed below as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan, Clarey - Aye

- (1) **ERNESTINE FORREST, CASE NO. 00-1274**
Appeal from dismissal
Classification: Corporations Counsel
Department: Department of Corporations
ACTION: On remand from the superior court, the Board issued a resolution vacating its prior decision on December 3-4, 2002, and directed the parties to brief the issue of the appropriate penalty to be imposed on appellant in light of the findings of the superior court.

(2) ANTHONY GUBLER, CASE NO. 03-2774

Appeal from dismissal

Classification: Officer

Department: Department of California Highway Patrol

ACTION: On remand from the superior court, the Board issued a resolution vacating its prior decision on January 11, 2005, and directed the parties to brief the issue of the appropriate penalty to be imposed on appellant in light of the findings of the superior court.

(3) CAROLYN HYMON-PERRY, CASE NO. 00-0140

Appeal from dismissal

Classification: Sergeant, CYA

Department: Department of the Youth Authority

ACTION: On remand from the superior court, the Board issued a resolution vacating its prior decision on August 5, 2003, and directed the parties to brief the issue of the appropriate penalty to be imposed on appellant in light of the findings of the superior court.

OTHER COURT REMANDS

These cases are currently under submission by the Board.

(4) GWENETTE BACKOVICH, CASE NO. 02-4145

Department: California Highway Patrol

(5) JERALD ELLIOTT, CASE NO. 00-3394

Department: San Diego State University

STIPULATIONS

These stipulations would have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

- (1) **GEORGE ALVARA, CASE NO. 05-1309**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections
ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal to a six month suspension.
- (2) **JUDY JOHNSON, CASE NO. 05-1367**
Appeal from automatic resignation
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
ACTION: The Board rejected the ALJ's Proposed Decision sustaining the automatic resignation.
- (3) **DENNIS MILLER, CASE NO. 04-2793E**
Appeal from discrimination complaint
Classification: Senior Right of Way Agent
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision denying the discrimination appeal.
- (4) **TIMOTHY PINKSTON, CASE NO. 05-1961**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal to a one-month suspension.
- (5) **VITO F. TARANTINO, CASE NO. 05-0536**
Appeal from ten percent reduction in salary for six months
Classification: Transportation Engineer, Civil
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the ten percent reduction in salary for six months.
- (6) **EDWARD WHITTLE, CASE NO. 05-3420**
Appeal from rejection during probationary period
Classification: Fairground Attendant
Department: Department of Food and Agriculture
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the rejection during probationary period.

Proposed Decisions Taken Under Submission At Prior Meeting

These would have been ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board would have voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

NONE

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) TROY ALLEN, CASE NO. 05-2150A

Appeal from dismissal

Classification: Caltrans Equipment Operator II

Department: Department of Transportation

Proposed decision rejected February 7, 2006.

Pending transcript

(2) RONALD FRANKLYN, CASE NO. 05-2105A

Appeal from 20 working days suspension

Classification: Officer

Department: California Highway Patrol

Proposed decision rejected December 20, 2005

Pending transcript

Pending oral argument March 7-8, 2006, Sacramento

NO ACTION

(3) ALEJANDRO GILL, CASE NO. 05-0054RA

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 6, 2006

Pending transcript

NO ACTION

(4) RICK OCHOA, CASE NO. 04-2373B

Appeal for determination of back salary, benefits and interest

Classification: Youth Correctional Officer

Department: Department of the Youth Authority

Proposed decision rejected January 24, 2006

Pending transcript

NO ACTION

(5) EDUARDO PEREZ, CASE NO. 05-0763A

Appeal from five percent reduction in salary for six months

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections

Proposed decision rejected November 1, 2005

Pending transcript

Pending oral argument February 7-8, 2006, Los Angeles

Oral argument continued

Pending oral argument May 2-3, 2006, Los Angeles

NO ACTION

(6) ERNEST PITMAN, CASE NO. 05-1591A

Appeal from dismissal

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

Proposed decision rejected December 6, 2005

Pending transcript

Pending oral argument March 7-8, 2006, Sacramento

NO ACTION

(7) RICHARD QUADRELLI, CASE NO. 05-1039A

Appeal from dismissal

Classification: Caltrans Maintenance Supervisor

Department: Department of Transportation

Proposed decision rejected December 6, 2005

Pending transcript

Pending oral argument March 7-8, 2006, Sacramento

NO ACTION

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE PRESENTED

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On February 21, 2006, The Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

- (1) **GUADALUPE GARCIA, CASE NOS. 05-0487 & 05-1843**
Classification: Accounting Officer (Specialist/Supervisor)
Department: Corrections and Rehabilitation
Issue: Whether appellant was properly withheld for not meeting the Minimum Qualifications.
ACTION: DENIED
- (2) **LISHA LATRELL HARDY, CASE NO. 04-2720**
Classification: Correctional Officer
Department: Corrections and Rehabilitation
Issue: Suitability for peace officer position due to conflict of interest concerns
ACTION: DENIED
- (3) **HUBER MENDOZA, CASE NO. 05-0784**
Classification: Correctional Officer
Department: Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate information
ACTION: DENIED
- (4) **TRACY PETERS, CASE NO. 05-0800**
Classification: Correctional Officer
Department: Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate information and omitted pertinent information during the selection process.
ACTION: DENIED
- (5) **MICHAEL VILLANUEVA, CASE NO. 05-0274**
Classification: Correctional Officer
Department: Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate and omitted pertinent information during selection process and negative employment record.
ACTION: DENIED
- (6) **ROSA WILLIAMS, CASE NO. 04-2205**
Classification: Motor Vehicle Field Representative
Department: Motor Vehicles
Issue: Suitability; Issues concerning moral turpitude
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board would have been presented recommendations by a Hearing Panel on each appeal.

NONE

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

EXAMINATION APPEALS

NONE

MINIMUM QUALIFICATIONS

NONE

MERIT ISSUE COMPLAINTS

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board would have been presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On February 21, 2006, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

- (1) **SANDRA CRUZ-PEREZ, CASE NO. 04-2984**
Classification: Pharmacy Technician
Department: Corrections and Rehabilitation
Issue: The charging party requests that charges be filed against the charged parties for violations of various subsections of Government Code section 19572
ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

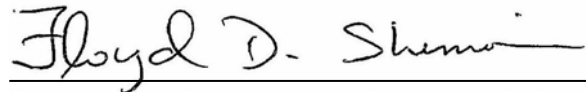
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on February 21, 2006.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura
Executive Officer
California State Personnel Board